

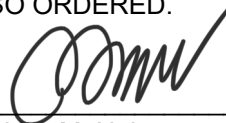
ONE MANHATTAN WEST
30TH FLOOR
NEW YORK, NY 10001

(212) 735-3000

DIRECT DIAL
212 735 2129
DIRECT FAX
917 777 2129
EMAIL ADDRESS
MIKAL.DAVIS-WEST@PROBONOLAW.COM

Application granted. Plaintiff may file any motions *in limine* by 3/3/2023. Opposition thereto shall be filed by 3/10/2023.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
January 24, 2023

VIA ECF

Honorable Philip M. Halpern
United States District Court for the
Southern District of New York
300 Quarropas Street, Room 630
White Plains, NY 10601

RE: Keesh v. Franco, No. 19-8942

Dear Judge Halpern:

We write on behalf of plaintiff Tyheem Keesh in the above-referenced action, pursuant to Rule 1(C) of Your Honor's Individual Practices and Rules, to respectfully request permission to file motions *in limine* by March 3, 2023.

Defendant opposes this request because the deadline to file motions *in limine* has already passed.

Pursuant to Your Honor's August 11, 2022 Order (ECF No. 112), motions *in limine* were due by November 14, 2022, which is before the time we were retained as *pro bono* counsel. On September 8, 2022, Your Honor issued an Order granting Mr. Keesh's request for *pro bono* counsel, in part to achieve a "quicker and more just

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result by sharpening the issues and shaping examination.” (ECF No. 116.) On November 21, 2022, after the deadline to file motions *in limine*, we were engaged as *pro bono* counsel.

Given that we did not represent Mr. Keesh until one week after the November 14 deadline, we did not have the opportunity to submit any motions on behalf of our client, and the lack of any motions *in limine* filed on behalf of Mr. Keesh would unnecessarily prejudice him. Courts in this Circuit have often extended deadlines after the appointment of *pro bono* counsel. *See, e.g., Nelson v. Gleason*, No. 14-870, 2018 WL 1569381, at *2 (W.D.N.Y. Mar. 29, 2018) (re-opening discovery after the appointment of *pro bono* counsel); *Askew v. Rigler*, 130 F.R.D. 26, 27 (S.D.N.Y. 1990) (extending discovery deadline following the appointment of *pro bono* counsel).

Mr. Keesh has not previously requested any extensions to this deadline. Moreover, Defendant would not suffer prejudice as trial has been set for July 10, 2023, almost six months from now and more than four months after the date upon which we request to file any motions *in limine*.

Respectfully submitted,

/s/ Mikal Davis-West

Mikal Davis-West

cc: All counsel of record (via ECF)